

### **REMARKS/ARGUMENT**

Claims 1-5, 7, 8, 11 and 22-28 are pending in the application. All claims stand rejected. By way of the present Amendment, Applicants have amended claim 1 and have cancelled claims 24 and 26-28, without prejudice to the inclusion of the subject matter of the cancelled claims in any continuation or divisional application. Reconsideration is requested in view of the above changes and the following remarks.

Applicants thank the Examiner for the courtesy shown their representatives, Daniel Monaco and Thomas Sossong, during the October 25, 2005, interview at the USPTO with Examiner Yu and with supervisory Examiner Sreeni Padmanabhan. The purpose of the interview was to discuss the rejections set forth in the July 13, 2005, office action, and to discuss the allowability of the pending claims. During the interview, the Examiners indicated that the allowability of all pending claims depended upon the allowability of claim 1, and suggested claim amendments that would place the claims in condition for allowance, pending a final search of the prior art by Examiner Yu.

Applicants make these amendments to the claims by way of the present amendment, and therefore, respectfully submit that the claims are in condition for allowance.

In the July 13, 2005, office action, Claims 1-5, 7, 8, 11 and 25-27 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Bakis et al. (U.S. Patent No. 5,851,461; "Bakis") in view of Gilchrist et al. (WO 96/17595, "Gilchrist"). Claim 22 was rejected as allegedly obvious over the same combination, further in view of Kobayashi et al. (U.S. Patent No. 5,641,450; "Kobayahsi"). Claim 23 was rejected as allegedly obvious over Bakis in view of Gilchrist, further in view of Kehr et al. (U.S. Patent No. 4,201,846; "Kehr"). Claims 24 and 28 were rejected as allegedly obvious over Bakis in view of Gilchrist, further in view of Clare et al. (U.S. Patent No. 4,693,728; "Clare").

Claim 1 has been amended to more clearly reflect that a *gelling agent* is contacted with a first precipitant. Claim 1 has also been amended to reflect that the first precipitant and the second precipitant are calcium citrate, calcium-releasing water-soluble glass, or a combination

thereof. Claims 24, 27 and 28 are cancelled herein, as the amendments to claim 1 incorporate the subject matter of these cancelled claims.

Claim 26 has been cancelled, as the Examiners indicated that claim 26 would not be allowable in the currently pending form.

In view of the cancellation of claims 24 and 26-28, Applicants respectfully submit that the Examiner's rejections of these claims have been rendered moot and no longer apply. Inasmuch as the Examiner's remaining rejections apply to claims 1-5, 7, 8, 11, 22, 23 and 25, Applicants respectfully submit that all of the Examiner's rejections have been overcome or no longer apply for the following reasons.

During the interview, the Examiners indicated that the advantageous results obtained by Applicants in the invention as set forth in the amended claims presented herein appear to be non-obvious. The amendments to claim 1, as set forth herein, are based on the Examiners' comments during the interview. Therefore, the Examiner's rejection of claims 1-5, 7, 8, 11 and 25 based on Bakis in view of Gilchrist is therefore overcome in view of the present amendments made to claim 1. Neither Bakis, Gilchrist, nor the combination of the two references teaches the treatment of a gelling agent with calcium citrate, calcium-releasing water-soluble glass, or a combination thereof, followed by the formation of a foam from the treated gelling agent, then followed by treatment of the formed foam with calcium citrate, calcium-releasing water-soluble glass, or a combination thereof, to produce a stable foam. Moreover, neither Bakis, Gilchrist, nor the combination of the two references teaches that such a foam can withstand the rigors of sterilization in order to produce a useful treated foam. Therefore, amended claim 1 and dependent claims 2-5, 7, 8, 11 and 25 are not obvious over Bakis in view of Gilchrist.

Claims 22 and 23, rejected further in view of Kobayashi and Kehr, respectively, depend from claim 1. Neither Kobayashi or Kehr remedy the deficiencies of Bakis and Gilchrist. Therefore, claim 22 is not obvious over Bakis in view of Gilchrist, further in view of Kobayashi, and claim 23 is not obvious over Bakis in view of Gilchrist, further in view of Kehr.

The invention of amended claim 1 is not obvious over the asserted combination of references. Amended claim 1 is believed allowable. All other claims in the application depend directly or indirectly from claim 1.

Applicants believe that the Application as currently amended is in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

THOMAS GILCHRIST, ET AL.

By: 

DANIEL A. MONACO  
Registration No. 30,480  
Drinker Biddle & Reath, LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-3312  
(215) 988-2757 - Fax  
Attorney for the Applicants